

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

After entry of the present amendment, Claims 1-6, 11, 12, 22, 30, and 32-35 are pending in the present application. Claims 7-10, 13-21, 23-29, 31, and 37-45 have been canceled without prejudice or disclaimer. The present amendment amends Claims 1, 11, 22, 30, 32, 33, and 36 without introduction of new matter.

In this last regard, Claims 1, 11, 22, and 36 have been amended to clarify that thermal decomposition takes place in the hermetic zone and to clarify that the gaseous substance produced by thermal decomposition is heated at an exhaust portion of this hermetic zone under the vacuum state. Claim 30 has been amended to be rewritten in independent form. Claims 32 and 33 have been amended along the same lines as Claim 1, 11, and 22, but recite the term "furnace," instead of "hermetic zone.

Applicant respectfully requests entry of the present amendment because (1) the changes to the claims are not believed to require further search or consideration by the Examiner and (2) because the outstanding Office Action is not properly considered a final Office Action.

With respect to reason (2), the MPEP states that a second action on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by an amendment of the claims nor based on information recently submitted via an information disclosure statement. As at least previously presented independent Claim 37 is rejected under new grounds,¹ the rejection cannot be properly considered a final rejection; and, therefore, the outstanding Office Action cannot properly be considered a final office action.

¹ Office Action, 6/8/2005, page 2.

In the outstanding Office Action, Claims 13 and 20 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,977,839 to Fochtman et al. (hereinafter "Fochtman"); Claims 32 and 33 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,720,232 to Meador; Claims 1-6, 11, 12, 22, 23, 25-29, and 36-43 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 4,961,391 to Mak et al. (hereinafter "Mak") in view of U.S. Patent No. 5,595,483 to Melber et al. (hereinafter "Melber"); Claims 7-10, 37, 44, and 45 were rejected under 35 U.S.C. 103(a) as unpatentable over Fochtman in view of Melber; Claims 13-19, 21, 23-29, and 31 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,619,936 to Veltmann in view of Mak; Claim 45 was rejected under 35 U.S.C. 103(a) as unpatentable over Fochtman in view of U.S. Patent No. 5,103,578 to Rickhard and Melber; Claim 30 was indicated as allowable if rewritten in independent form; and Claims 34 and 35 were allowed.

Applicants note, with appreciation, the indication of allowable subject matter.

The rejection of Claims 13 and 20 under 35 U.S.C. 102(b) as anticipated by Fochtman, the rejection of Claims 23, 25-29, and 37-43 as being unpatentable over Mak in view of Melber, the rejection of Claims 7-10, 37, 44, and 45 as being unpatentable over Fochtman in view of Melber, the rejection of Claims 13-19, 21, 23-29, and 31 under 35 U.S.C. 103(a) as unpatentable over Veltmann in view of Mak, and the rejection of Claim 45 under 35 U.S.C. 103(a) as unpatentable over Fochtman in view of Rickhard and Melber are all believed to be moot in light of the above-noted cancellation of Claims 7-10, 13-21, 23-29, 31, and 37-45.

Currently amended independent Claim 1 includes the feature that a gaseous substance produced by the thermal decomposition of the organic halides is heated at an exhaust portion of the hermetic zone under the vacuum state. By adopting this feature, a gaseous substance which has not yet been decomposed is decomposed by being heated under the vacuum state.

Namely, in the present invention of amended Claim 1, the gaseous substance is heated again under a vacuum state, thereby exhaust gas can be made cleaner.

The apparatus taught by Mak does not have a heating means for heating the gas produced from the matrix material at an exhaust portion. Instead, Mak simply teaches that the matrix material is heated and gas is produced from the matrix material. Furthermore, Melber does not cure these deficiencies in Mak by teaching or suggesting such a heating step being applied to the gaseous substance at an exhaust portion of a hermetic zone under a vacuum state, all as set forth by amended Claim 1. Therefore, the subject matter of amended Claim 1 is believed to patentably define over Mak taken alone, or in any proper combination with Melber.

Independent Claims 11, 22, and 36 are also rejected under 35 U.S.C. §103(a) as being unpatentable over Mak in view of Melber. These claims have been amended in similar fashion to independent Claim 1 and the above-noted arguments as to the deficiencies of Mak and/or Melber apply to independent Claims 11, 22, and 36 as well as to independent Claim 1.

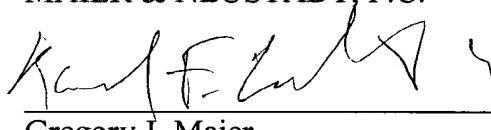
The rejections of Claims 2-6, dependent on Claim 1, and Claim 12, dependent on Claim 11, are traversed for the reasons noted above as to these independent Claims 1 and 11.

Claims 32, 33 are rejected under U.S.C. §102(b) as being anticipated by Meador. Meador teaches a pyrolysis chamber 15. Gas produced from the chamber may be exhausted from pop off valves 22, 23. However, Meador does not disclose any heating step to be performed at this exhaust portion. Therefore, amended Claims 32 and 33 are respectfully submitted to clearly patentably define over the teachings and suggestions found in Meador.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

(OSMMN 06/04)

Raymond F. Cardillo
Registration No. 40,440

GJM/RFC/jmp

I:\ATTY\STD\22's\228478US\228478US.AM.110104.DOC